IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 7475 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CEMENT WORKERS MANDAL - Petitioner(s)

Versus

STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MR GM JOSHI for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 2 - 4.
NOTICE SERVED BY DS for Respondent(s) : 3,
MR TUSHAR MEHTA for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 02/12/2005

ORAL JUDGMENT

1. The petitioner union has filed this petition

under Article – 226 of the Constitution of India, seeking direction to the respondent to pay the amount of electricity bills to the respondent No.4 and to maintain regular supply of electricity connection to the residential staff quarters situated within the premises of the respondent No.3 Company and to keep on paying all the electricity bills.

2. It is the case of the petitioners that in the year 1965 Porbandar Cement works was started by the then Associated Cement Company limited with well furnished staff quarters within the premises of the Company. In 1989 the unit was taken over by M/s.Fresser Investment Limited, together with assets, liabilities and workmen. In June-1998, cyclone hit the coastal town of Porbandar. Using this as an opportunity, a notice was displayed by the respondent No.3 and closed its operations by lockout on 7.7.1998.

As an arm twisting technique the company has not paid electricity bills resulting in disconnection of power supply even to staff quarters. In the similar fashion, the power was disconnected by the respondent No.3 in its Shahbad Cement Works at Karnataka and in the writ petition filed by its workmen has resulted into ordering of supply of electricity by the Hon'ble Court of Karnataka. It is further stated that there are school / college going students, many infants, many elderly patients who need light are suffering without any electricity and hence the petitioners have approached the Collector, but his intervention did not yield any fruitful result and as a last result petitioners have filed this petition.

3. This Court has passed an order on 12.10.1998. It was observed in the said order that the 205 members were ready to take independent electric

connections. They will do so without prejudice to their right to recover the amounts from the respondent No.3 for the supplies taken thereafter. They were in need because for the last few months the electric supply was disconnected. In view of this statement, the Court has directed the respondent No.5 to entertain the applications filed by the 205 employees without insisting upon any consent letter from respondent No.3 in that behalf. The Court has further made it very clear that the employees, however, will produce documents in the nature of their pay-slips, ration cards, voters cards or allotment letters whichever was available with them to show their authority to occupy the concerned premises and the fact that they were occupying it. The Court has also made it very clear that on their complying with the necessary formalities and paying deposits and/or amount, respondent No.5 will install

separate meters and restore power supply. The Court had passed interim order and liberty was given to the petitioner union to apply in the event it finds that respondent No.5 is unnecessarily delaying action on this order. The Court has also made it very clear that after meter is installed, power charges will be paid by the employees.

4. From the plain reading of the prayer as well as interim order passed by this Court, it appears that the grievance raised by the petitioners in the present petition was virtually redressed by the said interim order. Nothing further is required in the matter. The petition is, accordingly, disposed off. However, liberty is reserved for the petitioner union or any member of the said union to approach this Court in case of any difficulty or if need so arises in future.

kks (K. A. PUJ, J.)